

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

ROBERT CHASE,
Plaintiff

V.

QUINN FISHERIES, INC.,
Defendant

Civil Action

No. _____

MAGISTRATE JUDGE *Alexander*

RECEIPT # _____
AMOUNT \$ *0/A*
SUMMONS ISSUED *4*
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
FEE BY CLK. *Tom*
DATE *8/23/05*

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Now comes the Plaintiff in the above-entitled matter and for his complaint states:

General Factual Allegations

1. The Plaintiff, ROBERT CHASE, is a resident of Fairhaven, County of Bristol, Commonwealth of Massachusetts.
2. The Defendant, QUINN FISHERIES, INC., is a corporation, duly organized and existing under the laws of the Commonwealth of Massachusetts.
3. On or about May 31, 2005, the Defendant, QUINN FISHERIES, INC., was doing business within the Commonwealth of Massachusetts.
4. On or about May 31, 2005, the Plaintiff, ROBERT CHASE, was employed by the Defendant, QUINN FISHERIES, INC.
5. On or about May 31, 2005, the Plaintiff, ROBERT CHASE, was employed by the Defendant, QUINN FISHERIES, INC., as a seaman, and a member of the crew of the F/V PATIENCE.

6. On or about May 31, 2005, the Defendant, QUINN FISHERIES, INC., owned the F/V PATIENCE.

7. The Defendant, QUINN FISHERIES, INC., chartered the F/V PATIENCE from some other person or entity such that on or about May 31, 2005 the Defendant, QUINN FISHERIES, INC. was the owner pro hac vice of the F/V PATIENCE.

8. On or about May 31, 2005, the Defendant, QUINN FISHERIES, INC., operated the F/V PATIENCE.

9. On or about May 31, 2005, the Defendant, QUINN FISHERIES, INC., or the Defendant's agents, servants, and/or employees, controlled the F/V PATIENCE.

10. On or about May 31, 2005, the F/V PATIENCE was in navigable waters.

11. On or about May 31, 2005, while in the in the performance of his duties in the service of the F/V PATIENCE, the Plaintiff, ROBERT CHASE, sustained personal injuries.

12. Prior to and at the time he sustained the above-mentioned personal injuries, the Plaintiff, ROBERT CHASE, was exercising due care.

Jurisdiction

13. This Court has subject matter jurisdiction over this matter pursuant to The Merchant Marine Act of 1920, commonly called the Jones Act, 46 U.S.C., §688 et. seq.

14. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1333.

COUNT I

ROBERT CHASE v. QUINN FISHERIES, INC.

(JONES ACT NEGLIGENCE)

15. The Plaintiff, ROBERT CHASE, reiterates the allegations set forth in paragraphs 1 through 14 above.

16. The personal injuries sustained by the Plaintiff, ROBERT CHASE, were not caused by any fault on his part but were caused by the negligence of the Defendant, its agents, servants and/or employees.

17. As a result of said injuries, the Plaintiff, ROBERT CHASE, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

18. This cause of action is brought under the Merchant Marine Act of 1920, commonly called the Jones Act.

WHEREFORE, the Plaintiff, ROBERT CHASE, demands judgment against the Defendant, QUINN FISHERIES, INC., in an amount to be determined by a Jury, together with interest and costs.

COUNT II

ROBERT CHASE v. QUINN FISHERIES, INC.

(GENERAL MARITIME LAW - UNSEAWORTHINESS)

19. The Plaintiff, ROBERT CHASE, reiterates the allegations set forth in paragraphs 1 through 14 above.

20. The personal injuries sustained by the Plaintiff, ROBERT CHASE, were due to no

fault of his, but were caused by the Unseaworthiness of the F/V PATIENCE.

21. As a result of said injuries, the Plaintiff, ROBERT CHASE has, suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

22. This cause of action is brought under the General Maritime Law for Unseaworthiness and is for the same cause of action as Count I.

WHEREFORE, the Plaintiff, ROBERT CHASE, demands judgment against the Defendant, QUINN FISHERIES, INC., in an amount to be determined by a Jury, together with interest and costs.

COUNT III

ROBERT CHASE v. QUINN FISHERIES, INC.

(GENERAL MARITIME LAW - MAINTENANCE and CURE)

23. The Plaintiff, ROBERT CHASE, reiterates all of the allegations set forth in Paragraphs 1 through 14 above.

24. As a result of the personal injuries described in paragraph 11 above, the Plaintiff, ROBERT CHASE, has incurred and will continue to incur expenses for his maintenance and cure.

WHEREFORE, the Plaintiff, ROBERT CHASE, demands judgment against the Defendant, QUINN FISHERIES, INC., in an amount to be determined by a Jury for maintenance and cure, together with costs and interest.

COUNT IV

ROBERT CHASE vs. QUINN FISHERIES, INC.

(GENERAL MARITIME LAW/JONES ACT - INTENTIONAL/NEGLIGENT
FAILURE TO PROVIDE MAINTENANCE and CURE)

25. The Plaintiff, ROBERT CHASE, reiterates the allegations set forth in paragraphs 1 through 14 above.

26. As a result of the personal injuries described in paragraph 11 above, the Plaintiff, ROBERT CHASE, has incurred and will continue to incur expenses for his maintenance and cure.

27. The Plaintiff, ROBERT CHASE, has made demand upon the Defendant, QUINN FISHERIES, INC., for the provision of maintenance and cure.

28. The Defendant, QUINN FISHERIES, INC., has negligently, willfully, arbitrarily, and/or unreasonably failed to provide the Plaintiff with maintenance and cure in a timely and adequate manner.

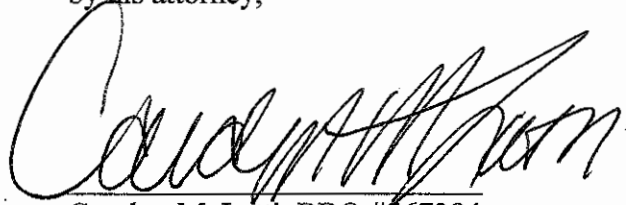
29. As a result of the Defendant's failure to provide the Plaintiff maintenance and cure, the Plaintiff has sustained and will continue to sustain damages, including without limitation, pain of body and anguish of mind, lost time from his usual work and pursuits, medical and hospital expenses, attorneys fees, and has sustained and will sustain other damages as will be shown at trial.

WHEREFORE, the Plaintiff, ROBERT CHASE, demands judgment against the Defendant, QUINN FISHERIES, INC., in an amount to be determined by a Jury, as compensatory damages for failure to pay maintenance and cure, together with costs, interest, and

reasonable attorneys fees.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES
RAISED IN COUNTS, I, II, III AND IV.

Respectfully submitted for the
the Plaintiff, ROBERT CHASE,
by his attorney,

A handwritten signature in black ink, appearing to read "Carolyn M. Latti".

Carolyn M. Latti, BBO #567394
David F. Anderson, BBO #560994
LATTI & ANDERSON LLP
30-31 Union Wharf
Boston, MA 02109
(617) 523-1000

Dated:

8-22-05

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only)

Robert Chase v. Quinn Fisheries, Inc.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

 I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT. II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.*Also complete AO 120 or AO 121
for patent, trademark or copyright cases X III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891. IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900. V. 150, 152, 153.

05-11739 JLT

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

NONE

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☒

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES ☐ NO ☒A. If yes, in which division do all of the non-governmental parties reside?Eastern Division ☐ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME CAROLYN M. LATTI, ESQUIRE, DAVID F. ANDERSON, ESQUIRE, LATTI & ANDERSON LLPADDRESS 30-31 UNION WHARF, BOSTON, MA 02109

TELEPHONE NO. (617) 523-1000

CIVIL COVER SHEET

The JS44 civil cover sheet and the information contained hereon neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS
ROBERT CHASE**DEFENDANTS**

QUINN FISHERIES, INC.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
BRISTOL
(EXCEPT IN U.S. PLAINTIFF CASES)**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT**
BRISTOL

(IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
CAROLYN M. LATTI, BBO #567394, DAVID F. ANDERSON, BBO #560994,
LATTI & ANDERSON LLP, 30-31 UNION WHARF, BOSTON, MA 02109
(617) 523-1000

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties IN Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State PTF ☐ 1 DEF ☐ 1
- Citizen of Another State PTF ☐ 2 DEF ☐ 2
- Citizen or Subject of a Foreign Country PTF ☐ 3 DEF ☐ 3
- Incorporated or Principal Place of Business in This State PTF ☐ 4 DEF ☐ 4
- Incorporated and Principal Place of Business in Another State PTF ☐ 5 DEF ☐ 5
- Foreign Nation PTF ☐ 6 DEF ☐ 6

IV. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/ PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input checked="" type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury <input type="checkbox"/> 365 Personal Injury <input type="checkbox"/> 368 Asbestos Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ref. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Magistrate Proceeding Original ☐ 2 Removed from ☐ 3 Remanded from ☐ 4 Reinstated or Transferred from ☐ 5 another district ☐ 6 Multidistrict Appeal to District
- State Court Appellate Court Reopened (Specify) Litigation Judgment

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.) JONES ACT AND GENERAL MARITIME LAW FOR UNSEAWORTHINESS

VII. REQUESTED IN COMPLAINT:CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO**VIII. RELATED CASE(S) IF ANY** (See Instructions)

JUDGE DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

ROBERT CHASE
Plaintiff

V.

QUINN FISHERIES, INC.,
Defendant

Civil Action

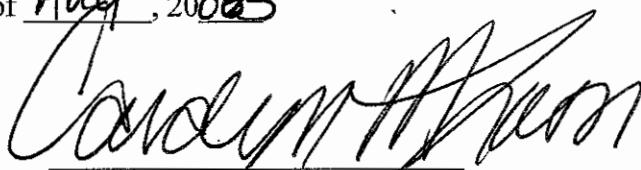
No. _____

SEAMAN'S DECLARATION

The Plaintiff, Robert Chase, in the above entitled action was a seaman and claims the benefits of the United States Code, Title 28, Section 1916, which provides that:

"In all courts of the United States, seamen may institute and prosecute suits and appeals in their own names and for their own benefit for wages or salvage or the enforcement of laws enacted for their health or safety without prepaying fees or costs or furnishing security therefor"

Pursuant to 28 USC 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on 22 day of Aug, 2005



Carolyn M. Latti, BBO #567394
Latti & Anderson LLP
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Boston, MA 02109
(617) 523-1000